

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

**FILED**

**NOV 13 2019**

Clerk, U.S. Courts  
District Of Montana  
Missoula Division

ROBERT and KERRYELLEN HART,

CV 19-08-M-DWM

Plaintiffs,

v.

ORDER

MOUNTAIN WEST FARM BUREAU  
MUTUAL INSURANCE COMPANY  
and DOES 1-10,

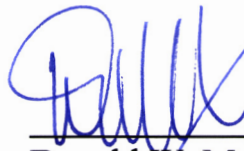
Defendants.

Defendant Mountain West Farm Bureau Mutual Insurance Company (“Mountain West”) has moved to dismiss Count III of Plaintiffs’ First Amended Complaint, which alleges breach of the implied covenant of good faith and fair dealing. Montana’s Unfair Trade Practices Act provides “[a]n insured who has suffered damages as a result of the handling of an insurance claim may bring an action against the insurer for breach of the insurance contract, for fraud, or pursuant to this section, but not under any other theory or cause of action.” Mont. Code Ann. § 33-18-242(3). Plaintiffs do not oppose Mountain West’s motion, and intended to relinquish Count III in the pretrial process. Accordingly,

IT IS ORDERED that Mountain West's motion (Doc. 42) is GRANTED.

Count III of the First Amended Complaint (Doc. 4) is DISMISSED.

DATED this 1<sup>st</sup> day of November, 2019.



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Donald W. Molloy, District Judge  
United States District Court